

Application No.: 10/807,882

Filed: March 24, 2004

Response dated: December 15, 2005

Reply to Office Communication of September 16, 2005

REMARKS

This application contains claims 1-27. Claims 1-27 have been rejected. Claims 1, 12, 13, 22 and 23 have been amended. Claims 9-11, 17 and 18 have been canceled. Therefore, Claims 1-8, 12-16 and 19-27 are pending in the Application. Reconsideration of the application based arguments submitted below is respectfully requested.

Claim Rejections - 35 U.S.C. §102

Claims 1-8, 13, 17, 22, 23, and 27 have been rejected under 35 U.S.C. §102(e) based on Morrow et al (U.S. Patent Application Publication No. 2004/0002398).

Applicant would like to respectfully point out that, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 citing Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." Id citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Also, "[t]he elements must be arranged as required by the claim..." Id citing In re Bond, 910 F.2d 831 (Fed. Cir. 1990).

In regard to Claim 1, Claim 1 has been amended to clarify some of the features. Namely, Claim 1 teaches a lacrosse head comprising a plastic casing

Application. No.: 10/807,882

Filed: March 24, 2004

Response dated: December 15, 2005

Reply to Office Communication of September 16, 2005

surrounding a textured metal frame. The textured metal frame includes a length and a corrugated external surface, wherein the corrugations of the corrugated external surface vary along the length. The prior art does not teach these features. For example, Morrow et al does not show a textured external surface or any corrugations there on. Popplewell et al does not show corrugations on a corrugated external surface that varies along the length of the metal member. As such Claim 1 is patentably distinct. Support for these changes can be found at least in Fig 8 and paragraph 52 as originally submitted.

Claims 2-8 are dependent back to patentability distinct Claim 1 and include features not disclosed in the cited prior art. As such, Claims 2-8 are patentable.

In regard to Claim 13, Claim 13 has been amended to clarify some of its features. Namely, Claim 13 teaches a plastic casing surrounding a metal frame. The metal frame includes a substantially flat first metal section and a second metal section attached to the first metal section. Both sections are positioned within the plastic casing to form at least one an angle between the metal sections and the plastic casing substantially engages the both sides of the first metal section. The prior art does not teach these features. For example, Morrow et al does not show any attached reinforcing sections within the lacrosse head or any substantially flat section of the reinforcing sections. Popplewell discloses a tubular metal member and does not show the plastics material engaging both sides of a substantially flat section of the tubular metal member. Support for these changes can be found at

Application. No.: 10/807,882

Filed: March 24, 2004

Response dated: December 15, 2005

Reply to Office Communication of September 16, 2005

least in Figs 6B, 7A, 7B, 7C, 11A, 11B and various paragraphs as originally submitted. As such, Claim 13 is patentably distinct.

In regard to Claim 22, Claim 22 has been amended to clarify some of its features. Namely, Claim 22 teaches a plastic shell and a plurality of textured metal reinforcements positioned within the plastic shell. At least two of the textured metal reinforcements are directly attached within the plastic shell. The prior art does not teach these features. For example, neither Morrow et al nor Popplewell have any of the reinforcement members directly attached in the lacrosse head. As such, Claim 22 is patentably distinct. Support for these changes can be found at least in Figs 6B, 7A, 7B, 7C, 11A, 11B and various paragraphs as originally submitted.

Claims 27 is dependent back to patentability distinct Claim 22 and includes features not disclosed in the cited prior art. As such, Claims 27 is patentable.

In regard to Claim 23, Claim 23 has been amended to clarify some of its features. Namely, Claim 23 teaches a lacrosse head having multiple textured metal reinforcements specifically located in a scoop, a throat base and a throat transition area of the lacrosse head. Additionally, each textured metal reinforcement includes a length and a corrugated external surface, wherein the corrugations of the corrugated external surface vary along the length. The prior art does not teach these features. For example, neither Morrow et al nor Popplewell teach corrugations on a corrugated external surface that varies along the length of the

Application. No.: 10/807,882

Filed: March 24, 2004

Response dated: December 15, 2005

Reply to Office Communication of September 16, 2005

metal member. As such, Claim 23 is patentably distinct. Support for these changes can be found at least in Fig 8 and paragraph 52 as originally submitted.

Therefore, Applicant respectfully requests the withdrawal of the 35 U.S.C. 102 rejections.

Claim Rejections - 35 U.S.C. §103

Claims 9-12 have been rejected under 35 U.S.C. §103(a) based on Morrow et al (2004/0002398) in view of Popplewell et al (US Patent No. 4,119,313)

Claims 14-16, 18-21 and 24-26 have been rejected under 35 U.S.C. §103(a) based on Morrow et al (2004/0002398) in view of designed choices.

Claims 1-22 have been rejected under 35 U.S.C. §103(a) based on Adams (4,690,447) in view of Plasiti Dip.

Applicant would like to respectfully point out that, "[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP §2143.03 (*citing In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). "All words in a claim must be considered in judging the patentability of that claim against the prior art." MPEP §2143.03 (*citing In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)). Further "[t]he level of skill in the art cannot be relied upon to provide the suggestion to combine references." MPEP §2143.01 (*citing Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161(Fed. Cir. 1999)).

Application. No.: 10/807,882

Filed: March 24, 2004

Response dated: December 15, 2005

Reply to Office Communication of September 16, 2005

In regard to Claim 1, amended Claim 1, as previously discussed, teaches features not disclosed in the cited prior art. Namely, Adams and Plastic Dip do not disclose a lacrosse head or corrugations on a corrugated external surface that varies along the length of the metal member. As such Claim 1 is patentably distinct.

In regard to Claim 12, Claim 12 has been amended to clarify some of its features. Namely, Claim 12 teaches a lacrosse head comprising a plastic casing surrounding a metal frame. The metal frame includes a length, an external surface, and a protrusion helically positioned on the external surface along a majority of the length of the metal frame. Namely, Adams and Plastic Dip do not disclose a lacrosse head or a protrusion helically positioned on the external surface of a metal frame.

In regard to Claim 13, amended Claim 13, as previously discussed, teaches features not disclosed in the cited prior art. Namely, Adams and Plastic Dip do not disclose a lacrosse head, any attached reinforcing sections within the lacrosse head or any substantially flat section of the reinforcing sections, or plastic material engaging both sides of a substantially flat section of a metal member.

In regard to Claims 14-16 and 19-21, Claims 14-16 and 19-21 are dependent back to patentability distinct Claim 13 and include features not disclosed in the cited prior art. As such, Claims 14-16 and 19-21 are patentable.

In regard to Claim 22, amended Claim 22, as previously discussed, teaches features not disclosed in the cited prior art. Namely, Adams and Plastic Dip do not

Application. No.: 10/807,882

Filed: March 24, 2004

Response dated: December 15, 2005

Reply to Office Communication of September 16, 2005

disclose a lacrosse head and do not have any of the reinforcement members directly attached in a lacrosse head.

In regard to Claims 24-26, Claims 24-26 are dependent back to patentability distinct Claim 22 and include features not disclosed in the cited prior art. As such, Claims 24-26 are patentable.

Accordingly, Applicant believes that all of the pending claims are in condition for allowance and respectfully requests a favorable action to that effect.

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

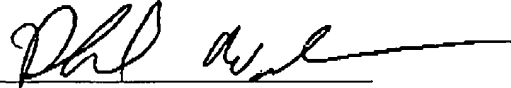
Application. No.: 10/807,882

Filed: March 24, 2004

Response dated: December 15, 2005

Reply to Office Communication of September 16, 2005

Respectfully submitted,



Phillip E. Walker
Registration No. 52,336
WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456
ATTORNEY FOR APPLICANT

Phillip E. Walker
Waddey & Patterson
1600 Division Street, Suite 500
Roundabout Plaza
Nashville, TN 37203
(615) 242-2400

CERTIFICATE OF TRANSMISSION

I hereby certify that this Response and Amendment in Application No.10/807,882 having a filing date of March 24, 2004 is being transmitted via facsimile to:

Mail Stop Amendment
Commissioner for Patents

Art Unit: 3711
Examiner: Chambers, Michael S.
Facsimile No.: 571-273-8300

on December 15, 2005.

Phillip E. Walker
Registration No. 52,336



Signature

12/15/05

Date